

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HAROLD MONTAGUE,

Plaintiff,

v.

DANIEL COLLIER, et al.,

Defendants.

Case No.: 2:23-cv-00875-APG-NJK

ORDER

(Docket No. 1)

On June 5, 2023, *pro se* plaintiff Harold Montague, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not include an inmate trust fund account statement for the previous six-month period with the application.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

1 Accordingly, for the reasons stated above,

2 IT IS ORDERED that the application to proceed *in forma pauperis*, Docket No. 1, is
3 **DENIED** without prejudice.

4 IT IS FURTHER ORDERED that, no later than **August 21, 2023**, Plaintiff must either pay
5 the full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with
6 all three required documents: a completed application with the inmate's two signatures on page 3;
7 a completed financial certificate that is signed both by the inmate and the prison or jail official;
8 and a copy of the inmate's trust fund account statement for the previous six-month period.

9 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
10 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
11 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
12 complete application to proceed *in forma pauperis* or pay the required filing fee.

13 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Harold Montague the approved
14 form application to proceed *in forma pauperis* for an inmate and instructions for the same and
15 retain the complaint and exhibits, Docket No. 1-1, but not file them at this time.

16 IT IS SO ORDERED.

17 DATED: June 20, 2023.

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21 NANCY J. KOPPE
22 UNITED STATES MAGISTRATE JUDGE
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